

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ERIC K. DAMRILL, )  
Plaintiff, ) No. CV-11-66-JPH  
v. ) ORDER GRANTING STIPULATED  
MICHAEL J. ASTRUE, ) MOTION FOR REMAND  
Commissioner of Social ) (ECF No. 18)  
Security, )  
Defendant. )

BEFORE THE COURT is the parties' stipulated motion to remand this case to the Commissioner for further administrative proceedings (**ECF No. 18**) pursuant to sentence four. The parties have consented to proceed before a magistrate judge, ECF No. 7.

After considering the stipulated motion, ECF No. 18,

**IT IS ORDERED** that the **motion is GRANTED**. The case is **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings under Titles II and XVI of the Social Security Act. On remand, the A.L.I.J.:

(1) will allow Plaintiff to submit additional evidence;

(2) re-evaluate the medical source opinions of record;

(3) re-evaluate the severity of Plaintiff's mental

impairments especially with regard to depression:

(4) re-evaluate whether Plaintiff has subaverage general intellectual functioning with deficits in adaptive functioning

1 initially manifested before age 22;

2 (5) re-evaluate whether the severity of Plaintiff's  
3 impairments met the requirements of listing 12.05C;

4 (6) reassess Plaintiff's RFC, and

5 (7) if the claim proceeds to step five of the sequential  
6 process, obtain vocational expert evidence.

7 Because this remand is pursuant to sentence four with a  
8 remand to the Commissioner for further proceedings (see *Melkonyan*  
9 *v. Sullivan*, 501 U.S. 89 (1991)), plaintiff is entitled to  
10 reasonable attorney's fees and costs pursuant to 28 U.S.C. § 2412  
11 (d), upon proper request to this Court.

12 **IT IS FURTHER ORDERED:**

13 1. The parties' stipulated motion for an order of remand  
14 pursuant to sentence four, **ECF No. 18**, is **GRANTED**.

15 2. Judgment shall be entered for **PLAINTIFF**.

16 3. An application for attorney fees and costs may be filed by  
17 separate motion.

18 4. The District Court Executive is directed to enter this  
19 Order, enter judgment for plaintiff, forward copies to counsel,  
20 and **CLOSE** the file.

21 **IT IS SO ORDERED.**

22 **DATED** this 7th day of March, 2012.

23  
24 *s/James P. Hutton*  
25 JAMES P. HUTTON  
26 UNITED STATES MAGISTRATE JUDGE  
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